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Donna Sue Davis

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EXAMINER

PATTERSON, MARC A

ART UNIT

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1794

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **ADVISORY ACTION**

#### ***Acknowledgement of Applicant's Amendments***

1. The amendment made in the After Final Amendment filed January 13, 2009 has not been entered because the amendment raises a new issue. The application, prior to the amendment did not include Claims 51 – 52. The amendment therefore raises issues which would require further search and consideration to be fully considered, and the amendment has therefore not been entered.

#### **ANSWERS TO APPLICANT'S ARGUMENTS**

2 Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claim 23 as being unpatentable over Bailey et al (U.S. Patent No. 6,368,545 B1) in view of Agouri et al (U.S. Patent No. 4,126,648) and 35 U.S.C. 103(a) rejection of Claims 24 – 50 as being unpatentable over Bailey et al (U.S. Patent No. 6,368,545 B1) in view of Agouri et al (U.S. Patent No. 4,126,648) and further in view of Lind et al (U.S. Patent Publication No. 2001/0003624), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 8, that one of ordinary skill in the art would not be motivated to combine the teaching in Agouri et al with Bailey et al to arrive at the claimed film because Agouri et al teaches away from a LDPE that is not modified with styrene.

However, Bailey et al is not limited to LDPE that is not modified with styrene.

Applicant also argues that modification of Bailey et al with styrene would render Bailey et al unsatisfactory for use in bread bags because a rustling characteristic is sought by Agouri et al.

However, Agouri et al state bread bags as only one possible packaging application of the claimed invention; Agouri et al is therefore not limited to bread bags. Furthermore, it is unclear why a rustling characteristic would necessarily prevent the making of a bread bag.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/  
Primary Examiner, Art Unit 1794